

**DOCKET NO.: ISIS-3561****PATENT****REMARKS**

The Applicants thank the Examiner for her time and courtesy in the interview on April 18, 2005. Based on those discussions, the amended claims presented above, and the following remarks, the Applicants submit that the application is now in proper form for allowance.

The Examiner has rejected claims 66 and 76 under 35 USC 112, second paragraph for being indefinite. The claims have been amended as suggested by the Examiner to make them definite. Claims 67, 68 and 69 have also been amended to include a prime (') symbol in the expression 2'-O-substituent so that it has a proper antecedent in claim 66. These amendments are made for the purpose of clarity and do not alter the scope of the claims. Therefore the rejection is traversed.

The Examiner has rejected claims 66-77 under 35 USC 103(a) for obviousness over Debs in view of Fulton, further in view of Tereshko. As discussed during the interview, the rejection for obviousness over Debs in view of Fulton, further in view of Tereshko is inappropriate due to a lack of motivation to combine the references. It is not possible to modify plasmid DNA to contain 2'-O-substituted nucleoside unit. Therefore, the rejection under 35 USC 103(a) is traversed.

The Examiner has provisionally rejected the claims for double patenting over Application Serial No 09315581 that was copending at the time of the mailing of the office action. The application was abandoned on March 14, 2005 by not responding to the outstanding office action. A Notice of Abandonment was mailed on March 15, 2005. The provisional rejection for double patenting is traversed.

Further to the discussion during the interview, attached please find a declaration demonstrating the efficacy of antisense oligonucleotides in the amelioration and treatment in various mouse models of asthma.

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PATENT

**REQUEST FOR EXTENSION OF TIME AND FEES**

The Applicants hereby request an extension in time of three (3) months for reply to the office action. The Commissioner is hereby authorized to charge Deposit Account Number 50-0252 a fee of \$510 for three month extension, small entity, referencing case number ISIS-3561. It is believed that no further fees are due. However, if an additional fee is due, the Commissioner is hereby authorized to charge the Deposit Account above.

**CONCLUSIONS**

In view of these amendments, remarks and attached declaration, the Applicants believe that the case is now in proper form for allowance. Prompt issuance of a Notice of Allowance is respectfully requested. If the Examiner believes that outstanding issues remain in the case, the Examiner is encouraged to call the undersigned Agent for Applicant listed below to discuss the matter.

Date: 5/13/05

Respectfully submitted,



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